

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN MET IN REGULAR SESSION IN THE COMMISSIONERS’ ROOM OF THE CRAVEN COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN, NORTH CAROLINA ON TUESDAY, JULY 5, 2005. THE MEETING CONVENED AT 7:00 P.M.

MEMBERS PRESENT:

Chairman George N. Brown, Jr.
Vice Chairman Perry L. Morris
Commissioner Lee Kyle Allen
Commissioner Bill Harper
Commissioner Johnnie Sampson, Jr.
Commissioner M. Renée Sisk
Commissioner Leon C. Staton

STAFF PRESENT:

Harold Blizzard, County Manager
George B. Sawyer, Assistant County Manager
Richard F. Hemphill, County Finance Officer
Ray H. Moser, Human Resources Director
Gwendolyn M. Bryan, Clerk to the Board
James R. Sugg, County Attorney

Following an invocation by Commissioner Sampson and the Pledge of Allegiance, Commissioner Sampson moved to approve minutes of June 20, 2005 regular session and May 19, June 1 and June 15 reconvened sessions, seconded by Commissioner Harper and unanimously carried in a roll call vote.

CONSENT AGENDA

Budget Amendments and Ordinance Update

Craven County Finance Officer, Rick Hemphill, submitted the following budget amendments and ordinance update for the Board’s approval. Commissioner Sisk moved for their approval, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Community College Bldg

JOURNAL ENTRY

| TRANSFER FROM | AMOUNT | TRANSFER TO | AMOUNT |
|--------------------------------------|-------------|--------------------------------------|-------------|
| 101-0000-101-00-00 Cash | \$18,594.56 | 101-0000-366-50-00 Fr Fund 381 CC | \$18,594.56 |
| 381-8600-480-97-01 To Genl fd 101 | \$18,594.56 | 381-0000-101-00-00 Cash | \$18,594.56 |

BUDGET AMENDMENT

| REVENUES | AMOUNT | EXPENDITURES | AMOUNT |
|--------------------------------|-------------|--------------------------------------|-------------|
| 381-8600-329-00-00 Interest | \$18,147.00 | 381-8600-480-15-10 Admin | \$(448.00) |
| | | 381-8600-480-97-01 To Genl fd 101 | \$18,595.00 |
| TOTAL | \$18,147.00 | TOTAL | \$18,147.00 |

Justification: Budget community college interest to be transferred to the General Fund.

Elections

JOURNAL ENTRY

| TRANSFER FROM | AMOUNT | TRANSFER TO | AMOUNT |
|--|------------|--|------------|
| 101-0000-140-48-00 State Grant Deferred | \$8,134.00 | 101-0604-348-00-00 State Grant Technology | \$8,134.00 |
| TOTAL | \$8,134.00 | TOTAL | \$8,134.00 |

BUDGET AMENDMENT

| | | | |
|--|------------|--|------------|
| 101-0604-348-00-00 State Grant Technology | \$8,134.00 | 101-0604-400-32-40 Supplies | \$2,935.00 |
| | | 101-604-400-73-21 C/O Under \$5,000 | \$5,199.00 |
| TOTAL | \$8,134.00 | TOTAL | \$8,134.00 |

Justification: State grant received 06/20/05 - unable to spend before June 30, 2005. Carryover to FY 2006 to cover Technology Grant approved items.

CARTS

| | | | |
|--|-------------|-------------------------------------|-------------|
| 101-7001-348-18-00 Section 18 Capital | \$42,184.00 | 101-7001-450-73-01 C/O Equipment | \$46,871.00 |
| 101-00-399-01-0 | \$4,687.00 | | |
| TOTAL | \$46,871.00 | TOTAL | \$46,871.00 |

Justification: State has allowed purchase of a vehicle from the prior year contract in the new fiscal year. The state has not awarded the contract in time for FY 2005 purchase of lift van.

Hospice

| | | | |
|---|----------|------------------------------|----------|
| 101-6502-353-07-00 Hospice 3 rd party | \$900.00 | 101-6502-440-15-24 Med Dr | \$900.00 |
| TOTAL | \$900.00 | TOTAL | \$900.00 |

Justification: Cola on \$30,000 (paid from 5001) for Dr. Barnwell was not budgeted in 5001 and is now being budgeted in 6502.

Ordinance:

CRAVEN COMMUNITY COLLEGE BUILDING
FUND 381

This ordinance is hereby approved in the following amounts for expenditures.

Expenditures:

| | |
|------------------------|----------------|
| To Community College | \$1,800,000.00 |
| Administration/Legal | \$ 40,552.00 |
| To County General Fund | \$ 18,595.00 |
| Total | \$1,859,147.00 |

It is estimated the following revenues will be available to fund this project.

Revenues:

| | |
|-------------------|----------------|
| G O Bond Proceeds | \$1,800,000.00 |
| Interest | \$ 59,147.00 |
| Total | \$1,859,147.00 |

This ordinance is hereby amended this 5th day of July, 2005 for year ended the 30th day of June, 2005.

Subdivisions for Approval

Craven County Planning Director, Don Baumgardner, presented the following subdivisions for the Board’s approval. Commissioner Sisk moved for their approval, as requested, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Forest Run Phase Four, Section Three – Final: The property, owned by H&W Investments and engineered by Thomas Engineering, is located within Twp 7 off of SR 1110 (Wilcox Road). The subdivision contains 48 lots on 30.37 acres and is proposed to be served by community water and sewer. The Planning Board reviewed and recommended the subdivision for final approval.

Bessie J. Roach Division – Final: The property, owned by Bessie J. Roach and surveyed by Atlantic Surveying, is located within Twp 7 off of SR 1122 (Maple Street). The subdivision contains 2 lots on 1.34 acres and is proposed to be served by community water and sewer. The Planning Board reviewed and recommended the subdivision for final approval.

James A. and Dale R. Riggs Division – Final: The property, owned by William Pappas and surveyed by Matthews Surveying, is located within Twp 3 off of SR 1252 (Loop Road). The subdivision contains 1 lot on 2 acres and is proposed to be served by an individual septic system and community water. The Planning Board reviewed and recommended the subdivision for final approval.

Tax Releases and Refunds

Craven County Tax Administrator, Ronnie Antry, submitted the following requests for tax releases and refunds. Commissioner Sisk moved for their approval, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Credits

| TAXPAYER NAME | TICKET# | AMOUNT |
|---|--------------|---------|
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 1995-0002745 | \$64.36 |
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 1996-0002880 | \$60.97 |
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 1997-0002902 | \$56.70 |
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 1998-0002947 | \$53.19 |
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 1999-0003090 | \$50.19 |
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 2000-0003143 | \$48.43 |

| | | |
|---|--------------|----------|
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 2001-0003158 | \$47.51 |
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 2002-0003217 | \$55.73 |
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 2003-0003203 | \$50.41 |
| BEACON HOMES FORECLOSURE – LIEN EXTINGUISHED | 2004-0003228 | \$46.45 |
| BRILEY, ZENO CARROLL & DEBRA H DID NOT OWN 01/01/2003 | 2003-0090124 | \$32.83 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 1995-0005060 | \$71.62 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 1996-0005233 | \$68.14 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 1997-0005289 | \$63.46 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 1998-0005373 | \$59.49 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 1999-0005626 | \$56.13 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 2000-0005787 | \$53.51 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 2001-0005840 | \$53.04 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 2002-0005952 | \$62.22 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 2003-0005943 | \$56.58 |
| BROCK, JOHN GENE & MARJORIE F FORECLOSURE – LIEN EXTINGUISHED | 2004-0006021 | \$52.14 |
| COMPTON, MICHELLE JANINE NOT LOCATED IN CRAVEN CO 01/01/04 | 2004-0010429 | \$70.09 |
| FARMER, CASSANDRA DILLAHUNT DID NOT OWN 01/01/2004 | 2004-0090169 | \$251.33 |
| FLANAGAN, EDWARD THOMAS NOT LOCATED IN CRAVEN CO 01/01/2004 | 2004-0091458 | \$84.08 |
| FONTE, AMY DOUBLE LISTED WITH ACCT. #53773 | 2004-0091459 | \$405.54 |
| FONVILLE, MACK DWELLING UNINHABITABLE | 2004-0017309 | \$33.84 |
| GROVER, KEITH ALAN MILITARY-HIS NAME ONLY-05-LES-FL ETS-10/03/08 | 2000-0020199 | \$145.70 |

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| GROVER, KEITH ALAN MILITARY-HIS NAME ONLY 05 LES-FL ETS-10/03/08 | 2001-0020353 | \$136.59 |
| HARGETT, PERDITA MCDUFFIE MOBILE HOME MOVED PRIOR TO 07/01/03-PERMIT ISSUED | 2003-0021946 | \$30.80 |
| INGRAM, SHERRILL GRAY DID NOT OWN 01/01/2004 | 2004-0026000 | \$126.35 |
| JOHSUA ENTERPRISE INC NOT IN BUSINESS 01/01/2004 | 2004-0090770 | \$49.51 |
| LEWIS, LINDA I DID NOT OWN 01/01/2004 | 2004-0031015 | \$55.35 |
| LEWIS, LINDA I DID NOT OWN 01/01/2004 | 2003-0030525 | \$61.31 |
| NORRIS, JAMES A NOT IN BUSINESS 01/01/2004 | 2004-0090897 | \$52.27 |
| PETERSON, CHARLES FORECLOSURE-LIEN EXTINGUISHED | 1995-0034401 | \$62.08 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 1996-0035080 | \$59.08 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 1997-0035611 | \$55.81 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 1998-0035668 | \$51.51 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 1999-0037356 | \$48.63 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 2000-0038462 | \$47.00 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 2001-0038842 | \$46.29 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 2002-0039374 | \$64.45 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 2003-0039677 | \$58.18 |
| PETERSON, CHARLES FORECLOSURE – LIEN EXTINGUISHED | 2004-0040231 | \$53.62 |
| PLOURDE, DENISE M DID NOT OWN 01/01/2004 | 2004-0040773 | \$13.63 |
| PLOURDE, DENISE M DID NOT OWN 01/01/2003 | 2003-0040214 | \$.33 |
| ROUNDTREE, SHINELL DOUBLE LISTED ON ACCT #35312 | 2000-0042104 | \$1.28 |
| ROUNDTREE, SHINELL DOUBLE LISTED ON ACCT #35312 | 2001-0042479 | \$1.45 |

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| ROUNDTREE, SHINELL DOUBLE LISTED ON ACCT #35312 | 2002-0043193 | \$170.49 |
| ROUNDTREE, SHINELL DOUBLE LISTED WITH ACCT #35312 | 2003-0043576 | \$189.18 |
| ROUNDTREE, SHINELL DOUBLE LISTED WITH ACCT #35312 | 2004-0044110 | \$155.15 |
| WILLIAMS, CHRISTOPHER R & JESS DOUBLE BILLED ON ACCT #46959 | 2005-0090054 | \$2,284.77 |
| WILLIAMS, MANUEL D & MARY G RECYCLE ALREADY PAID | 2005-0090055 | \$48.00 |
| YORK & LELA INC NOT IN BUSINESS 01/01/2004 | 2004-0091202 | \$76.71 |
| 54 – CREDIT MEMO (S) | | \$6,153.50 |

Refunds

| | | |
|--|--------------|----------|
| FONVILLE, MACK PROPERTY VACANT | 2000-0016574 | \$28.80 |
| FONVILLE, MACK PROPERTY VACANT | 2001-0090379 | \$35.52 |
| FONVILLE, MACK PROPERTY VACANT | 2002-0016909 | \$32.64 |
| PLOURDE, DENISE M DID NOT OWN 01/01/2003 | 2003-0040214 | \$15.38 |
| ROUNDTREE, SHINELL DOUBLE LISTED ON ACCT #35312 | 1999-0040945 | \$183.44 |
| ROUNDTREE, SHINELL DOUBLE LISTED WITH ACCT #35312 | 2000-0042104 | \$231.76 |
| ROUNDTREE, SHINELL DOUBLE LISTED ON ACCT #35312 | 2001-0042479 | \$245.53 |
| 7 – REFUND (S) | | \$773.07 |

PETITIONS OF CITIZENS

Virginia Gaddy requested to come before the Board concerning road rights-of-way for laying water and sewer pipe; however, she did not appear.

Ray Griffin approached the Board concerning an issue in Guilford County wherein the Moslem community has asked that the Koran be posted in the courthouse. He advised the Board that this request may become more common in other areas. He asked the Board to consider placement of a monument on the courthouse grounds with the Ten Commandments.

RECYCLING AND CONVENIENCE CENTER CONTRACTS

Ed Joran, Business Development Director for GDS, appeared before the Board to request a five year extension of the recycling and convenience center contracts. Commissioner Sisk advocated going out for bids. Commissioner Harper stated the belief that bidding would not be beneficial considering the level of service and working relationship which

now exists with GDS. Commissioner Sampson also expressed satisfaction with the GDS service. Assistant County Manager, George Sawyer, recommended extending both contracts for five years and stated that the CPI, equal to approximately \$55,000, is being waived for the current year. He also stated that the company would not be required to provide new collection boxes for recyclables but will issue replacements as necessary. Commissioner Morris moved to extend the two contracts, as requested, for an additional five years with GDS, seconded by Commissioner Harper and carried with five (6) “Ayes”, there being one (1) “Nay” from Commissioner Sisk.

REQUEST TO EXTEND NEW BERN’S ETJ

Planning Director, Don Baumgardner, presented a request on behalf of the City of New Bern for permission to extend the City’s extraterritorial planning jurisdiction beyond the one-mile jurisdiction which state law permits in the area proposed for the Highway 43 Connector project. The recommendation of the Planning Department staff was to grant the request adhering to the actual study area corridor line until it is determined where Hwy 17 by-pass will be placed, then consider any new or additional requests that the City may submit for territory beyond the study area at that time. Commissioner Sampson moved to grant the city’s request to extend beyond its one mile ETJ into a portion of the County’s jurisdiction up to the study area, as recommended by the Planning Department staff, seconded by Commissioner Sisk and carried with six (6) “Ayes”, there being one (1) “Nay” from Commissioner Harper. The area approved includes land south of Highway 70 between the current city limits and the boundary of the proposed Highway 17 by-pass.

APPOINTMENTS

Eastern Carolina Workforce Development Board

The Board considered once again an appointment to replace Mr. Joe Greaser as a representative of organized labor on the Eastern Carolina Workforce Development Board and this appointment was again deferred until the first meeting in August.

Airport Authority

The Board had been previously advised that the terms of John Price and James Creech on the Airport Authority were due to expire. Commissioner Staton nominated Mr. Price and Mr. Creech for reappointment. Commissioner Allen nominated Mr. Robert Hughes for appointment. Commissioner Sampson moved to close nominations, seconded by Commissioner Harper and unanimously carried. In a roll call vote, Mr. Price received seven (7) votes, Mr. Creech received four (4) votes from Commissioners Sampson, Staton, Morris and Brown, with Mr. Hughes receiving three (3) votes from Commissioners Allen, Harper and Sisk.

COUNTY ATTORNEY’S REPORT

Property Disposition Resolutions

County Attorney, Jim Sugg, presented the following disposition resolution for authorization to dispose of lot 79, Section 7 in Fairfield Harbour. He advised the Board that any bids received would be presented to the Board for final approval and that the tax values would be established prior to the auction. Commissioner Morris moved to adopt the following resolution setting time of bid at 12:00 noon on August 8, 2005 at the courthouse steps, seconded by Commissioner Sampson and unanimously carried.

RESOLUTION OF THE CRAVEN COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE SALE OF REAL PROPERTY AT PUBLIC AUCTION

WHEREAS, the Craven County Board of Commissioners (“County”), a body politic and corporate, is the owner of a parcel of land designated as Lot 79, Fairfield

Harbour, Tobago, Section 7, Part 1, recorded in Map Book/Plat Cabinet 13, Page/Slide(s) 45, in the Office of the Register of Deeds of Craven County, and being more particularly described on Exhibit "A" attached hereto; and

WHEREAS, County became the owner of said property in Commissioner's Deed, which is recorded in Book 2104 at Page 724 in the Office of the Register of Deeds of Craven County; and

WHEREAS, County shall sell said property at public auction after publishing notice of the sale in the *Sun Journal* at least one (1) time not less than 30 days before the sale, which Notice shall contain the description of the property to be sold as described herein above. Said terms of the sale are referenced in the authorizing resolution.

NOW, THEREFORE, the Craven County Attorney is authorized to sell the parcel of land described herein designated as Lot 79, Fairfield Harbour, Tobago, Section 7, Part 1, recorded in Map Book/Plat Cabinet 13, Page/Slide(s) 45, in the Office of the Register of Deeds of Craven County, and being more particularly described on Exhibit "A" attached hereto, at the Craven County Courthouse door at 12:00 noon on August 8, 2005, with the highest bidder depositing ten percent (10%) of the purchase price with County to be held in escrow to ensure completion of the purchase of the property if said bid is accepted by County.

Adopted this 5th day of July, 2005.

Mr. Sugg advised the Board that Lot 31, located in Plat Cabinet C, Slide 395 in Gracie Farms was acquired in foreclosure and presented the following resolution for adoption. Commissioner Allen moved to adopt the resolution, seconded by Commissioner Harper and unanimously carried.

**RESOLUTION OF THE
CRAVEN COUNTY BOARD OF COMMISSIONERS
AUTHORIZING THE SALE OF REAL PROPERTY
AT PUBLIC AUCTION**

WHEREAS, the Craven County Board of Commissioners ("County"), a body politic and corporate, is the owner of a parcel of land designated as Lot 31, The Lakes at Gracie Farms, located in Plat Cabinet C, Slide 395, Craven County Registry, and being more particularly described on Exhibit "A" attached hereto; and

WHEREAS, County has determined that said property is no longer needed for County purposes and should be sold at public auction; and

WHEREAS, County became the owner of said property in Commissioner's Deed, which is recorded in Book 2115 at Page 812 in the Office of the Register of Deeds of Craven County; and

WHEREAS, County shall sell said property at public auction after publishing notice of the sale in the *Sun Journal* at least one (1) time not less than 30 days before the sale, which Notice shall contain the description of the property to be sold as described herein above. Said terms of the sale are referenced in this authorizing resolution.

NOW, THEREFORE, the Craven County Attorney is authorized to sell the parcel of land described herein designated as Lot 31, The Lakes at Gracie Farms, located in Plat Cabinet C, Slide 395, Craven County Registry, and more particularly described on Exhibit "A" attached hereto, at the Craven County Courthouse door at 12:00 noon on August 8, 2005, with the highest bidder depositing ten percent (10%) of the purchase price with County to be held in escrow to ensure completion of the purchase of the property if said bid is accepted by County.

Adopted this 5th day of July, 2005.

Donald Pollock Request

Mr. Sugg advised the Board that Donald Pollock had requested the Board's decision in writing relative to his appeal for relief of taxes on a structure that was destroyed by fire. Commissioner Morris moved to direct the County Manager to send a letter to Mr. Pollock stating that the Board would not grant relief, as requested, because it is prohibited by General Statute from doing so. The motion was seconded by Commissioner Harper and unanimously carried. Commissioner Sampson commented that he understood the circumstances of Mr. Pollock's request and would like to grant the relief but is compelled to follow the law.

COUNTY MANAGER'S REPORT

North Carolina Association of County Commissioners (NCACC) Solicitation

County Manager, Harold Blizzard, shared with the Board a request from the North Carolina Association of County Commissioners for a contribution to the newly established scholarship fund in honor of retiring Executive Director, Ron Aycock. There was no motion; however, the Board reached consensus to contribute individually as opposed to committing County funds towards the scholarship and all Commissioners were encouraged to consider contributing.

July 18 Regular Session

Mr. Blizzard reminded the Board that at the time of its regularly scheduled session for July 18, the majority of the Board will be attending the Annual NACo Conference. Commissioner Allen moved to cancel the July 18 meeting and, if necessary, call a special session if any issues that arise must be addressed before the August 1 regular meeting. Commissioner Morris seconded the motion, which carried unanimously.

COMMISSIONERS' REPORTS

Commissioner Sampson requested a closed session regarding a personnel matter pursuant to NCGS 143-318.11(a) (3) and (6). He moved to go into closed session, seconded by Commissioner Morris and unanimously carried.

A five minute recess was called prior to the convening of the closed session at 8:30 p.m.

The Board returned to regular session at 8:52 p.m. and reported that there was no action taken.

Commissioner Staton reported on the BRAC Commission presentation that had been held in Charlotte.

Commissioner Allen indicated that Craven County's delegation before the BRAC Commission was very effective.

Commissioner Morris answered some of the questions raised by citizens concerning the trip to the NACo Annual Conference and indicated that Craven County had benefited in the past, specifically in the areas of Homeland Security Grant funds received as a result of early applications completed at the annual conferences.

At 9:00 p.m. Commissioner Sisk moved to adjourn, seconded by Commissioner Morris and unanimously carried.

Chairman George N. Brown, Jr.
Craven County Board of Commissioners

Gwendolyn M. Bryan, Clerk